

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/92640/W
Site Address:	22, Roman Avenue, Mount, Huddersfield, HD3 3XP
Description:	Erection of single storey side and rear extensions, alterations to roof, rear dormer and external alterations
Recommending Officer:	Tom Hunt

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 24-Nov-2023

Officer Report

Site Description

2023/92640 – 22, Roman Avenue, Mount, Huddersfield, HD3 3XP

The application site relates to a two-storey semi-detached residential property. It is faced in red brick with stone as a secondary material and hip roofed in concrete tile. The front space is given over to hard surface as parking and there is a driveway to the property side leading to a detached single-storey garage within the garden. The property has two rear single-storey extensions predominately glazed. Properties in the residential area are predominantly of consistent design and material palettes although there is some variation within the wider street scene.

Description of Proposal

Erection of single storey side and rear extensions, alterations to roof, rear dormer and external alterations.

It is proposed to convert the hipped roof to gable using concrete tiles with three small skylights positioned close to the ridge. A small modification of the existing hipped canopy over the door and bay window would be turned to lean-to design.

The conversion of the roof would include a flat roofed rear dormer extension clad in horizontal grey composite cladding to similarly match the host dwelling's roof colouring. It would project 3.6m from the roof plane, have a height of 2.45m and width of 5.9m with floor to ceiling windows at rear only.

There would be a single-storey side extension to the host property with a lean-to roof design (3.3m ridge and 2.5m eaves height from ground level) including two small skylights. This would be in two sections, to the front it would extend flush with the host projecting 1.5m with a depth of 4.5m; to the rear it would project 1.8m from the side and have a depth of 3.3m. This would have openings to the front and rear, with none to the side elevation.

The single-storey rear extensions would be demolished to have a single-storey rear extension with pitch roof. It would not have any side elevation windows but would have French doors to the rear with a gable end glazing above. This would extend 3.5m from the rear with 5.7m width; the heights would be measured from ground level as: roof ridge (3.5m) and eaves (2.5m). It would be set off from the attached neighbour's shared boundary by 0.3m.

Materials proposed are stone to match the ground floor at the front and cedar timber vertical cladding to the side and rear extensions. The timber would be treated with a translucent environmentally friendly, water-based coating. The host dwelling's existing brick elevation would be painted in white to the side and rear.

The proposal would include, within the roof space, a bedroom, bathroom, playroom and storage room; an extended kitchen/living area to ground floor at rear; utility room, shower-room and cloakroom within the side extension.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to remove the front dormer, to have a similarly matching colouring to the rear dormer and to reduce the single-storey rear extension's height. Clarification was sought on materials proposed and additional amended plans to evidence impact on residential amenity.

Relevant Planning History

No previous planning applications for this site.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 19/10/2023

No representations have been received.

Amended plans were received however they were not readvertised as they did not significantly change the description of development, had a reduction in bulk and massing, and did not materially have a detrimental impact on planning considerations. This is in accordance with the Council's Development Management Charter.

Consultation Responses

No technical consultees required.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**

- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 05th September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the

strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be “*subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*”.

Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality design.

The SPD is silent on conversion of hipped roof to gable. The proposed hip to gable would tie into the existing roof ridge and eaves height. The alterations to the roof would alter the shape of the dwelling. Whilst the proposal would see a semi-detached property altered such that one had a gable roof and one had a hipped roof presenting an unbalanced composition, the proposed hip to gable could be undertaken under permitted development rights. As such, this element of the proposal is considered to be acceptable when considering the fallback position.

Sections 5.24 to 5.27 of the SPD provide guidance on the design of dormer window extensions (page 31-32). In this case, the proposal would comply with most parameters being set in from all roof boundaries and similarly matching in colour to the roof tiles. However, it is acknowledged that it would still appear as a dominant design to the rear and there are no roof dormers in the area. On balance, it is considered that this would be mitigated by its own bulk and massing being mostly screened from the highway by the host dwelling’s converted roof. Notwithstanding this, the property hosts full Permitted Development Rights and could therefore construct a rear elevation dormer, including the new roof design, subject to conditions, without the requirement of planning permission. As such, whilst the dormer would disrupt the uniformity of the row of properties, there is a realistic fall-back position and therefore, it is considered that the dormer extension is satisfactory.

Sections 5.15-5.18 of the SPD relate to single-storey side extensions (page 28). The proposed design would comply with all parameters except its proposed flush elevation to the host, however, this is considered to be acceptable given its extremely limited projection and the front canopy and bay windows forward of the host property helping to visually 'break up' the appearance of the side extension.

Sections 5.1-5.6 of the SPD relate to single-storey rear extensions (pages 23-24). This would replace two rear conservatory extensions which project a maximum of 3.5m from the rear of the host, close to the attached dwelling's shared boundary. While the new extension would not comply with the advice within the SPD limiting extensions to 3m for properties of this type, it is proposed that this replacement of an extension of a similar size closely aligned with the neighbour's existing single-storey rear extension can be accepted as it would not significantly alter the existing relationship between neighbouring properties and would visually improve the current conservatory arrangement by having a cohesive design. The design is of a more solid appearance and a marginally higher roof design adding some additional bulk and massing however offers an improved design to the neighbours with the removal of side elevation openings.

Whilst cumulatively, the proposal with the existing extended detached garage building would appear to lead to a quantum of development approaching overdevelopment, Officers have to have regard to the available Permitted Development Rights in which the proposal could potentially be carried out lawfully with fewer restrictions and potentially greater harm to visual amenity. It is noted that cedar timber is a high-quality material and that painting a property does come under planning control. The use of those as additional secondary materials would be moderately different from the established material palette of the area however this could be supported with the retention of the primary elevation and the use of matching roof tiles to the single-storey extensions allowing the scheme to be sufficiently integrated in the streetscene.

On balance, the proposal is considered acceptable as it would not significantly harm the visual amenity of the area and accord with Policy LP24 of the Local Plan, the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3-6 of the Kirklees Householder Extensions and Alterations SPD aid the Officer in considering how to achieve high standards of residential amenity.

No. 24 Roman Avenue

This neighbouring property has an existing single-storey rear extension with no side windows to be affected by the proposal and the new extension would have no side windows. The proposal would be aligned with the projection of their extension ensuring no additional impacts on overlooking, overshadowing and overbearing. The neighbour does not have rooflights to be affected by the proposed dormer addition and therefore no additional impact as a result of loss of outlook or overlooking, overshadowing and overbearing would result. The modifications to the roof and the erection of the side extension would be mainly screened by the host. Overall, the proposal would have an acceptable impact.

No. 20 Roman Avenue

The proposed rear extension would replace existing extensions of a similar projection and be separated 2.9m from the shared neighbouring boundary. It would have no side elevation windows which would be an improvement over the existing mostly glazed extension in terms of overlooking or loss of privacy. The proposed rear dormer and roof extension would be set to the east of the neighbour and there are no rooflights to be affected. Given the separation distance, the increased modest bulk and massing would have no significant impact on overbearing or overshadowing. It is acknowledged that this neighbouring property has one secondary ground level window which the proposed side extension would have some modest impact on outlook. There are no Council planning history or sales records available to view to determine the likely use of the room served by the window however the consistent design of similar properties on the street indicate that this is likely to be an entrance lobby area with staircase (a non-habitable room). The neighbour would still benefit from their driveway space, retaining an adequate separation distance to the proposed additional bulk and massing of the extension and Officers propose that this limited impact on outlook to a likely non-habitable room be acceptable.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties so as to prevent undue harm to the occupants of these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

On balance, the proposal is considered satisfactory from a residential amenity perspective and would comply with the aims of policy LP24b of the Kirklees Local Plan and the Key Design Principles relating to residential amenity in the House Extensions and Alterations SPD.

4 – Impact on highway safety:

Turning to highway safety, the proposal would remove the driveway to the side of the property limiting the available off-street parking to two vehicles in the front area. While the bin storage area has not been specified on the submitted block plan, it was evident as part of the case officer site visit that there is sufficient space retained to allow bin arrangements to remain as existing. The Highways Design Guide SPD sets out that a 2/3 bedroom dwellings should have a minimum of 2 off street parking spaces and therefore despite the loss of off street parking the proposal would still be considered to have a neutral impact on highway safety and parking. As such, the proposal would comply with Policies LP21 and LP22 of the Local Plan and Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off-street parking area therefore this would have no conflict with Policy LP27 and LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

Biodiversity

Whilst considering Biodiversity, Key Design Principle 12 –13 of the House Extensions and Alterations SPD in conjunction with LP 30 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest to a well-sealed roof at sufficient

distance from Kirklees Wildlife Habitat Networks to be considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development must cease and the applicant is advised to contact Natural England for advice.

The small scale of the proposal would be on an existing hardsurface with no impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD and LP30 of the Kirklees Local Plan.

6 – Representations:

No representations had been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated

Application Number: 2023/92640

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council’s House Extensions &

Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework

3. The external roofing materials of the single-storey extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing no. (EX)002.	Unamended	05/09/2023
Existing and Proposed Block Plans.	Drawing no. (20)002.	A	22/11/2023
Existing Floor and Elevation Plans.	Drawing no. (EX)001.	Unamended	05/09/2023
Proposed Floor and Elevation Plans.	Drawing no. (20)001.	B	22/11/2023
Climate Change Statement	-	-	05/09/2023
Email rec'd	Email rec'd from agent confirming materials	Original	23/11/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development

Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer undertook negotiations with the applicant to secure amended plans to ensure the scheme minimised the impact on visual amenity.

Report Dated: 23/11/2023